

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION

No. 7:19-CV-115-H

MARGIE M. KING HURDLE,

Plaintiff,

v.

CAMP LEJEUNE USMC et al.,

Defendants.

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**ORDER**

This matter is before the court on frivolity review. Plaintiff initiated this action by filing an application to proceed in forma pauperis (IFP) and proposed complaint. United States Magistrate Judge Kimberly A. Swank entered an order on June 26, 2019, granting plaintiff's motion to proceed IFP and informing plaintiff that she had named as defendants certain parties that may not be legal entities capable of suit or against whom sufficient facts had not been alleged to state a claim for relief [DE #5]. Accordingly, the court ordered plaintiff to particularize her complaint with a list naming each of the defendants she seeks to sue and, as to each defendant, the facts upon which her claims are based. [DE #5]. Plaintiff filed a particularized complaint on July 22, 2019, substantially similar to her first complaint. In

this complaint, Plaintiff names the following as defendants: Camp Lejeune USMC; A-1 Dry Cleaners; Camp Lejeune Water Supply; Jacksonville Water Supply Comp.; Congress of USA; Department of the Navy; JAG; City of Jacksonville, NC; Veteran Administration; US Government.

Judge Swank then filed a Memorandum and Recommendation ("M&R") noting that plaintiff has alleged a potentially viable claim against the United States under the Federal Tort Claims Act ("FTCA"). However, Judge Swank also found that plaintiff's amended complaint fails to allege any legal or factual basis for claims against the following named defendants: A-1 Dry Cleaners; Camp Lejeune Water Supply; Jacksonville Water Supply Company; Congress of USA; City of Jacksonville, NC; and Veteran Administration. The M&R then recommends plaintiff's claims against these defendants be dismissed. After receiving an extension of time, plaintiff filed objections to the M&R on October 13, 2020. While the objections give factual detail for her injuries, including medical records, they do not allege a factual basis for claims against the defendants of which the M&R recommends dismissal.

The court has carefully reviewed the M&R, objections, and other documents of record. Based on its de novo review, see 28 U.S.C. § 636(b) (After conducting a de novo review, the district judge may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge..."), the

court finds that the recommendation of Magistrate Judge Swank is, in all respects, in accordance with the law and should be approved.

Accordingly, the court ADOPTS the recommendation of the magistrate judge as its own, and plaintiff's FTCA claim against the United States survives frivolity review. Plaintiff's claims against the following named defendants are dismissed as frivolous or for failure to state a claim upon which relief can be granted: A-1 Dry Cleaners; Camp Lejeune Water Supply; Jacksonville Water Supply Company; Congress of USA; City of Jacksonville, NC; and Veteran Administration.

This 1st day of December 2020.



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Malcolm J. Howard  
Senior United States District Judge

At Greenville, NC  
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